

### REMARKS

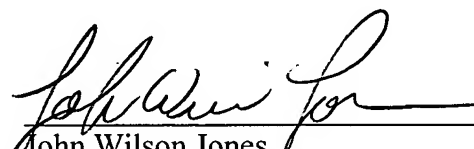
Claims in the Application. Claims 1-4, 7-16, 20, 23, 28, 33, 36, 43-44, 50-51, 53-54, 57 and 62-63 have been amended. Claims 66-73 has been added to this application. Accordingly, Claims 1-73 are active in this application. Reconsideration is respectfully requested.

Examiner's Rejection of the Claims Over *Constien*. In the Final Office Action, the Examiner indicated allowance of Claims 16-65, allowability of Claims 2-15 and rejected Claim 1 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,582,250 ("*Constien*"). Applicants have amended Claim 1 to more clearly illustrate that (i.), (ii.) and (iii.), as amended, require the presence of a second proppant stage. Thus, amended Claim 1 is distinguishable over *Constien*. Reconsideration of the claims over *Constien* is respectfully requested.

Conclusions. The Examiner is encouraged to telephone the undersigned in order to expedite the prosecution of this application. It is believed that the claims to the amendments and the remarks expressed herein put this application in condition for allowance. Early notice to that effect is earnestly solicited.

Respectfully submitted,

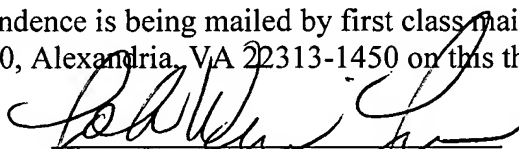
Dated: October 19, 2006

  
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### CERTIFICATE OF TRANSMISSION, 37 C.F.R. § 1.8(a)

I hereby certify that this correspondence is being mailed by first class mail to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this the 19<sup>th</sup> day of October, 2006.

  
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John Wilson Jones